

## 2005 Customer Proprietary Network Information Certification

I, Jonathan Radin, Vice President, Legal and External Affairs of OnFiber Communications, Inc., have firsthand knowledge of the procedures that OnFiber Communications, Inc. has implemented to comply with the Federal Communications Commission's rules pertaining to safeguarding customer proprietary network information ("CPNI"). I certify that OnFiber Communications, Inc. has established procedures that are adequate to comply with the Commission's CPNI rules set forth in section 64.2001 et seq. I relied on Attachment A in making this certification.



Signature

*VP, Legal and External Affairs*

Title

*1/6/6*

Date

## **2005 Customer Proprietary Network Information Certification Attachment A**

OnFiber Communications, Inc. has established policies and procedures to comply with the Federal Communications Commission's ("FCC") rules pertaining to the use, disclosure, and access to customer proprietary network information ("CPNI") set forth in section 64.2001 et seq. OnFiber Communications, Inc. has trained its personnel in the appropriate use of CPNI. OnFiber Communications, Inc.'s handbook summarizes the appropriate use of CPNI and the disciplinary process in place for failure to use CPNI in accordance with OnFiber Communications, Inc.'s policy.

In accordance with OnFiber Communications, Inc.'s policy, OnFiber Communications, Inc. does not use CPNI for any marketing purpose other than to market services to customers within the same category of service to which they already subscribe. For example, OnFiber Communications, Inc. may contact the customer regarding extending the length of the customer's contract with OnFiber Communications, Inc. OnFiber Communications, Inc. also may use CPNI as required to render services and to bill for such services. OnFiber Communications, Inc. does not share CPNI with affiliates or third parties.

## Customer Proprietary Network Information Policy

Federal law governs the use of Customer Proprietary Network Information (“CPNI”). OnFiber uses CPNI in accordance with federal law and as stated in this policy.

Federal law defines CPNI as:<sup>1</sup>

- Information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by a customer of a telecommunications carrier, and is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and
- Information contained in the bills pertaining to a telephone exchange service or telephone toll service received by a customer of a carrier.<sup>2</sup>

For example, CPNI includes information such as the type of services that the customer services and the customer’s use of those services (e.g., call patterns, call volume, etc.). CPNI does not include information derived from non-telecommunications services offered to the customer.

Under federal law, absent customer consent, OnFiber is permitted to use, disclose, or permit access to CPNI as follows:

- (1) to protect our rights and property, our customers, and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, our services;
- (2) to provide or market service offerings among the categories of service to which the customer already subscribes;
- (3) for the provision of customer premises equipment; and
- (4) for billing and rendering services to the customer.

OnFiber does not use CPNI to market services to customers that are outside of the category of service to which the customer does not already subscribe. OnFiber does not share CPNI with affiliates or third parties for marketing purposes. OnFiber may engage third parties to assist in billing and collections, administration, surveys, marketing, service delivery and customization, maintenance and operations, and fraud prevention.

If OnFiber seeks to market services to customers outside of the category of services to which the customer subscribes, then OnFiber will notify customer at that time of their right to choose not to be a part of any such marketing campaign. All marketing campaigns must receive prior approval and must be conducted in accordance with this policy.

All employees will be trained as to when they are, and are not, authorized to use CPNI. OnFiber will take any necessary disciplinary action for violation of this policy.

OnFiber has a corporate officer who acts as agent for the company and signs a compliance certificate on an annual basis stating that the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with applicable CPNI rules. OnFiber provides a statement that accompanies this certificate explaining that its operating procedures are adequate to ensure compliance with CPNI regulations.

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<sup>1</sup> See 47 U.S.C. § 221 (establishing the duty of common carriers to protect privacy/proprietary information of customers).

<sup>2</sup> See 47 U.S.C. § 222(h)(1)(A), (B).